

E-FILED ON: October 4, 2006

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13 Attorneys for Creditors,

Prospect High Income Fund,

14 ML CBO IV (Cayman) Ltd.,

PAMCO Cayman, Ltd.,

15 PAM Capital Funding, L.P.,

Highland Crusader Fund, Ltd.,

16 and PCMG Trading Partners XXII, L.P.

17 UNITED STATES BANKRUPTCY COURT  
18 DISTRICT OF NEVADA

19 In re: ) CASE NO.: BK-S-06-10725-LBR  
USA COMMERCIAL MORTGAGE COMPANY, ) CASE NO.: BK-S-06-10726-LBR  
20 Debtor. ) CASE NO.: BK-S-06-10727-LBR  
21 ) CASE NO.: BK-S-06-10728-LBR  
22 ) CASE NO.: BK-S-06-10729-LBR

23 In re: ) Chapter 11  
24 USA CAPITAL REALTY ADVISORS, LLC, )  
25 Debtor. )  
26 )

27 In re: ) **Jointly Administered Under**  
28 USA CAPITAL DIVERSIFIED TRUST DEED ) **Case No. BK-S-6-10725-LBR**  
FUND, LLC, )  
Debtor. )

29 In re: ) **EX PARTE APPLICATION FOR**  
30 USA CAPITAL FIRST TRUST DEED FUND, LLC, ) **ORDER ALLOWING**  
31 Debtor. ) **OPPOSITION IN EXCESS OF**  
32 ) **TWENTY PAGES PURSUANT TO**  
33 ) **LR 9014(e)**

In re: )  
 USA SECURITIES, LLC, )  
 Debtor. )

Affects: )  
☒ All Debtors )  
☐ USA Commercial Mortgage Company )  
☐ USA Capital Realty Advisors, LLC ) **HEARING:**  
☐ USA Capital Diversified Trust Deed Fund, LLC ) **Date: N/A**  
☐ USA Capital First Trust Deed Fund, LLC ) **Time: N/A**  
☐ USA Securities, LLC, )

**EX PARTE APPLICATION FOR ORDER ALLOWING  
 OPPOSITION IN EXCESS OF TWENTY PAGES PURSUANT TO LR 9014(e)  
 FOR FILING OF THE HIGHLAND FUND'S OPPOSITION TO DIVERSIFIED TRUST  
 DEED FUND COMMITTEE'S OBJECTION TO PROOF OF CLAIM**

CiCi Cunningham, Esq. of the Law Firm of Rawlings, Olson, Cannon, Gormley & Desruisseaux, on behalf of Creditors, Prospect High Income Fund, ML CBO IV (Cayman) Ltd., PAMCO Cayman, Ltd., PAM Capital Funding, L.P., Highland Crusader Fund, Ltd., and PCMG Trading Partners XXII, L.P. (hereinafter "The Highland Fund") represents:

1. Debtors filed an original Petition for Relief under Chapter 11, Title 11 of the United States Code, on or about April 13, 2006 , and an Order for Relief was entered.
2. Applicant is the duly qualified and acting attorney of record for the Highland Fund.
3. Applicant finds it necessary to file a Opposition to Diversified Trust Deed Fund Committee's Objection to Proof of Claim in this matter.
4. Applicant's Opposition is in excess of twenty (20) pages.
5. Applicant filed this Application pursuant to LR 9014(e) which states in pertinent part:

(f) Limitation on Length of Briefs and Points and Authorities; Requirement for Index and Table of Authorities.

Unless otherwise ordered by the court, pre-hearing and post-hearing briefs and points and authorities in support of, or in response to, motions shall be limited to twenty (20) pages including the motion but excluding exhibits. Reply briefs and points and authorities shall be limited to fifteen (15) pages, excluding exhibits. Where the court enters an order permitting a longer brief or points and authorities, the papers shall include an index and table of contents.

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6. An Affidavit of CiCi Cunningham, Esq., of the Law Firm of Rawlings, Olson, Cannon, Gormley & Desruisseaux., is attached as Exhibit A to this Application.

7. Applicant requests an Order Allowing an Opposition to Diversified Trust Deed Fund Committee's Objection to Proof of Claim in excess of twenty (20) pages.

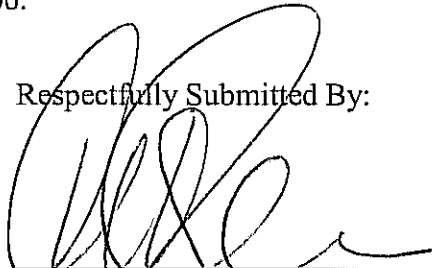
8. Applicant files this request as there are voluminous records and documents in this case and because of the complicated nature of the case.

9. Applicant also requests that the Highland Fund be excused from filing an index and table of contents as it is unnecessary.

**WHEREFORE**, Applicant prays that she be allowed to submit the Opposition to Diversified Trust Deed Fund Committee's Objection to Proof of Claim that is in excess of twenty (20) pages pursuant to LR 9014(e) and for such other and further relief as is just and proper in the premise.

**DATED** this 4<sup>th</sup> day of October, 2006.

Respectfully Submitted By:



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GORMLEY & DESRUISSEAU  
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Attorneys for the Highland Fund

# **EXHIBIT A**

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16 and PCMG Trading Partners XXII, L.P.

17 UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

18  
19 In re: ) CASE NO.: BK-S-06-10725-LBR  
USA COMMERCIAL MORTGAGE COMPANY, ) CASE NO.: BK-S-06-10726-LBR  
Debtor. ) CASE NO.: BK-S-06-10727-LBR  
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24 In re: )  
USA CAPITAL DIVERSIFIED TRUST DEED )  
FUND, LLC, )  
25 Debtor. )  
26 )  
27 )  
28 )

**AFFIDAVIT OF CiCi  
CUNNINGHAM, ESQ. IN  
SUPPORT OF  
EX PARTE APPLICATION FOR  
ORDER ALLOWING  
OPPOSITION IN  
EXCESS OF TWENTY PAGES  
PURSUANT TO LR 9014(e)**

In re: )  
 USA CAPITAL FIRST TRUST DEED FUND, LLC, )  
 Debtor. )

In re: )  
 USA SECURITIES, LLC, )  
 Debtor. )

Affects: )  
☒ All Debtors )  
☐ USA Commercial Mortgage Company )  
☐ USA Capital Realty Advisors, LLC )  
☐ USA Capital Diversified Trust Deed Fund, LLC )  
☐ USA Capital First Trust Deed Fund, LLC )  
☐ USA Securities, LLC, )

**HEARING:**

**Date: N/A**

**Time: N/A**

**AFFIDAVIT OF CiCi CUNNINGHAM, ESQ. IN SUPPORT OF  
 EX PARTE APPLICATION FOR ORDER ALLOWING MOTION IN  
 EXCESS OF TWENTY PAGES PURSUANT TO LR 9014(e) FOR FILING OF THE  
 HIGHLAND FUND'S OPPOSITION TO DIVERSIFIED TRUST DEED FUND  
 COMMITTEE'S OBJECTION TO PROOF OF CLAIM**

STATE OF NEVADA )  
 ) ss.  
 COUNTY OF CLARK )

CiCi Cunningham, Esq., being first duly sworn under oath, deposes and says:

1. That I am duly licensed to practice before this Court and make matters upon personal knowledge except for those matters which are made based upon information and belief, and as to those matters, I believe the same to be true.

2. That I am the attorney for the Highland Fund in the above-referenced case.

3. That Applicant finds it necessary to file a Opposition to Diversified Trust Deed Fund Committee's Objection to Proof of Claim in this matter.

4. That said Opposition is in excess of twenty (20) pages.

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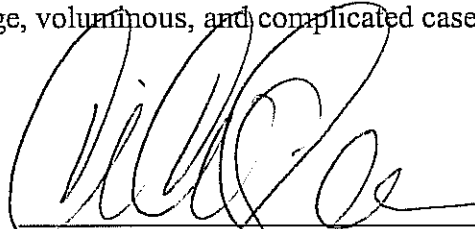
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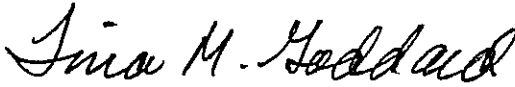
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5. That I request the Court allow the Highland Fund to file this Opposition in excess of twenty (20) pages because this is a very large, voluminous, and complicated case.

Further, the Affiant Sayeth Naught.

  
CICI CUNNINGHAM, ESQ.

SUBSCRIBED AND SWORN TO  
before me this 4<sup>th</sup> day of October, 2006.



NOTARY PUBLIC in and for said  
County and State.

